

United States Government

Department of Energy

memorandum

DATE: May 27, 2003

REPLY TO:

ATTN OF: Air, Water and Radiation Division (EH-412):Koss:6-7964

SUBJECT: Information – Clean Air Act Federal Plan Requirements for Existing, Small Municipal Waste Combustion Units

TO: Distribution

The Environmental Protection Agency (EPA) issued a final rule (68 FR 5143; available at the Office of Environmental Policy and Guidance (EH-41) Web Site at <http://www.eh.doe.gov/oepa/rules/68/68fr5143.pdf>) on January 31, 2003, that contains Federal plan requirements for small municipal waste combustion (MWC) units constructed on or before August 30, 1999. A small MWC unit is an incinerator or waste-to-energy facility with the capacity to combust 35 to 250 tons of household, commercial/retail, or institutional waste per day. Such waste can be solid, liquid, or gasified.

By way of background, EPA issued two final rules on December 6, 2000, establishing air emission standards for small MWC units. The first rule (65 FR 76350) contained new source performance standards for new, small MWC units (40 CFR Part 60 Subpart AAAA). The second rule (65 FR 76378) contained emission guidelines for existing, small MWC units (40 CFR 60 Subpart BBBB). States with existing, small MWCs were directed in the second rule to submit a plan to EPA by December 6, 2001, implementing the emission guidelines (40 CFR 60.1505). EH-41 issued a memorandum and attachment summarizing these two rules on March 12, 2001. The memorandum and attachment can be accessed from the EH-41 website at: <http://homer.ornl.gov/oepa/guidance/caa/mwcnotices.pdf>.

The final rule issued January 31, 2003, promulgates a Federal plan to implement the 40 CFR 60 Subpart BBBB emission guidelines for small MWC units located in areas not covered by an EPA-approved State or tribal plan. The status of State plans is shown in Table 2 of the January 31, 2003, rule (68 FR 5146). The Federal plan is an interim action because on the effective date of an approved State plan, the Federal plan will no longer apply to small MWC units covered by the State plan.

The small MWC Federal plan contains the same subcategories, emission limits, and other requirements as the emission guidelines issued on December 6, 2000, and codified at 40 CFR 60 Subpart BBBB (68 FR 5148). These requirements are discussed in the attachment issued by EH-41 on March 12, 2001. Applicable definitions are at §62.15410 of the January 2003 final rule. Terms defined include *municipal solid waste* and *municipal waste combustion unit* (68 FR 5174).

The new Federal plan requirements are codified at 40 CFR 62 Subpart JJJ. The requirements were effective as of January 31, 2003. We do not have information that

would indicate whether or not the Department has sources that would be subject to the Subpart JJJ requirements. We recommend that DOE sites that operate solid waste incinerators review the Subpart JJJ applicability requirements at §62.15010 - §62.15035.

Questions concerning the Federal plan rule for small MWC units should be directed to Ted Koss of my staff (<theodore.koss@eh.doe.gov>; 202-586-7964).

A handwritten signature in black ink, appearing to read "C. L. V. H.", positioned above a horizontal line.

Director

Air, Water and Radiation Division

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